

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

WALTER RAGLIN, :
Petitioner, : Case No. C-1-00-767
vs. : Judge Walter H. Rice
BETTY MITCHELL, Warden : Magistrate Judge Michael R. Merz
Respondent. : **This is a Death Penalty Case**

**PETITIONER'S THIRD MOTION FOR EXTENSION OF TIME
TO FILE OBJECTIONS TO MAGISTRATE JUDGE'S
REPORT AND RECOMENDTION**

Petitioner, by and through counsel, and moves the Court for an extension of time to May 26, 2006, within which to file his objections to the Report and Recommendations filed by the Magistrate Judge on February 2, 2006 (Doc. 89) for the reasons set forth below.

s/James D. Owen

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Trial Attorney for Petitioner

MEMORANDUM IN SUPPORT

Petitioner's counsel, James D. Owen, respectfully requests an additional extension of time in which to file objections to the February 2, 2006 Report and Recommendations. Attorney Owen is the sole attorney representing Petitioner in this federal habeas proceeding, even though the Petitioner is subject to a state death sentence.

As previously represented to the court, Attorney Owen was involved in a complex jury trial in Howard v. State of Ohio which lasted until March 15, 2006, when jury reached a verdict. Subsequently, Attorney Owen was involved in preparation for an Aggravated Murder trial scheduled to commence on April 3, 2006. Although that case was unexpectedly continued on the date of trial, Attorney Owen's mother suffered a severe heart attack in the late evening hours on the following day, April 4, 2006, which caused him to be out of the office until Sunday April 9, 2006. It was necessary for Owen to make all necessary arrangements for the care of his mother because his father is a quadriplegic and therefore unable to assist in any manner.

Since then, Owen has been involved in a hectic trial docket and has recently been ill and therefore unable to be at his office.

For the foregoing reasons, Petitioner's counsel respectfully requests an extension of time to May 26, 2006, within which to prepare his objections to the Magistrate's Report and Recommendations.

s/James D. Owen

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OwenJDO@AOL.com
Trial Attorney for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that I have, this 9th day of May, 2006, served electronically through the Court's ECF System a copy of the foregoing pleading to the following attorneys of record:

Carol Ann Ellenson
Charles L. Wille
ASSISTANT ATTORNEY GENERAL
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s/James D. Owen

James D. Owen (0003525)